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March 4, 2013

By Electronic Filing

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: In the Matter of The Wireless Telecommunications Bureau
and The Office of Engineering and Technology Seek
Comment on Progeny's Joint M-LMS Field Testing
Reports, WT Docket No. 11-49
Ex Parte Notice**

Dear Ms. Dortch:

On February 28, 2013, Jay Holcomb, R&D Regulatory and Program Manager for Itron, Inc. ("Itron"), and the undersigned, counsel for Itron, met with the following individuals: Julius Knapp, Karen Ansari, Hugh Van Tuyl, and Geraldine Matisse from the Office of Engineering and Technology, and Paul Murray and Paul D'Ari from the Wireless Telecommunications Bureau.

The purpose of the meeting was to discuss the technical aspects of Federal Communications Commission's ("FCC" or "Commission") decision in the above-caption matter, key details of which are set out in Itron's prior filings.¹ As stated

¹ See *In the Matter of The Wireless Telecommunications Bureau and The Office of Engineering and Technology Seek Comment on Progeny's Joint M-LMS Field Testing Reports, Comments*

in Itron's prior filings, the results of the requisite field testing of Progeny's system with Itron's various AMR systems are that Itron and Progeny cannot coexist co-frequency. Wherever Progeny is operating on the same frequencies that Itron devices operate on, the Itron devices experience unacceptable interference.

The only point not covered in Itron's previous filings is the following. While Progeny claims operation in 39-40 markets and seeks to draw a conclusion that there is no interference to Part 15 devices because there have been no complaints of interference, Itron, during the course of its normal operations in many markets, has not encountered Progeny operations sufficient to provide service in any market but San Jose. While Itron has "seen" the odd Progeny transmitter in some markets, there are not a sufficient number of them to provide service.

As Itron has made clear, unacceptable interference from Progeny operations is a function of power levels, network density, and duty cycle. In Itron's experience, wherever these conditions exist unacceptable interference on the frequencies shared with Progeny will follow. Progeny's transmission profile, particularly with respect to network density and duty cycle, is not only dramatically different from the transmission profile of any Part 15 device, but, as the result of the waiver granted by the Commission, it is completely different from the transmission profile intended by the Commission's original rules, which Itron relied upon in designing its own systems.

Please direct any questions to the undersigned.

Sincerely,

A handwritten signature in black ink that reads "Henry Goldberg". The signature is fluid and cursive, with the first name "Henry" and last name "Goldberg" clearly distinguishable.

Henry Goldberg
Attorney for Itron, Inc.

cc: Julie Knapp
Karen Ansari
Hugh Van Tuyl
Geraldine Matise
Paul Murray
Paul D'Ari